

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

IDENTITY SECURITY LLC,  
Plaintiff,

v.

APPLE INC.  
Defendant.

Civil Action No. 6:21-CV-460-ADA

**Jury Trial Demanded**

**JOINT CLAIM CONSTRUCTION STATEMENT**

In accordance with the Court’s Standing Order Governing Proceedings – Patent Cases (Version 3.5.1) and the Scheduling Order in this case, the parties in the above-captioned action submit this Joint Claim Construction Statement.

**I. The Parties’ Disputes**

There are two disputes between the parties. The first dispute involves whether certain terms are subject to 35 U.S.C. § 112, ¶ 6 and/or are indefinite. Defendant Apple Inc. (“Apple”) submits that those terms are subject to 35 U.S.C. § 112, ¶ 6 and/or are indefinite. Plaintiff Identity Security LLC (“ISLLC”) submits that those terms are not subject to 35 U.S.C. § 112, ¶ 6, are not indefinite, and do not require construction beyond their “plain and ordinary meaning.” The second dispute involves terms that recite a “microprocessor identity.” Apple proposes constructions for those terms. ISLLC proposes that those terms do not require construction beyond their “plain and ordinary meaning.”

**A. Whether Certain Terms Are Subject to § 112, ¶ 6 and/or Are Indefinite.**

Claim Term	Plaintiff’s Construction	Defendants’ Construction
“the digital identity data is bound to the microprocessor identity by encrypting the digital	This phrase is not subject to either paragraph 2 or 6 of 35 U.S.C. § 112.	§ 112, ¶ 6 applies.  <u>Function</u> : “binding the digital identity data to the

Claim Term	Plaintiff's Construction	Defendants' Construction
<p>identity data using an algorithm that uses the microprocessor identity”</p> <p>(’497 patent, claim 1)</p>	<p>Plain and ordinary meaning.</p>	<p>microprocessor identity by encrypting the digital identity data using the microprocessor identity”</p> <p><u>Structure</u>: microprocessor, e.g., Fig. 4, Fig. 6 (405, 605); no algorithm disclosed; indefinite.</p> <p>Alternatively, to the extent §112, ¶ 6 does not apply: indefinite.</p>
<p>“the digital identity data is bound to the microprocessor identity device by encoding, using the microprocessor, the digital identity data using an algorithm that uses the microprocessor identity information”</p> <p>(’008 patent, claim 1)</p>	<p>This phrase is not subject to either paragraph 2 or 6 of 35 U.S.C. § 112.</p> <p>Plain and ordinary meaning.</p>	<p>§ 112, ¶ 6 applies.</p> <p><u>Function</u>: “binding the digital identity data to the microprocessor identity device by encoding the digital identity data using the microprocessor identity information”</p> <p><u>Structure</u>: microprocessor, e.g., Fig. 4, Fig. 6 (405, 605); no algorithm disclosed; indefinite.</p> <p>Alternatively, to the extent §112, ¶ 6 does not apply: indefinite.</p>
<p>“the digital identity data is bound to the microprocessor identity device using an encryption algorithm and the microprocessor identity information”</p> <p>(’895 patent, claim 5)</p>	<p>This phrase is not subject to either paragraph 2 or 6 of 35 U.S.C. § 112.</p> <p>Plain and ordinary meaning.</p>	<p>112, ¶ 6 applies.</p> <p><u>Function</u>: “binding the digital identity data to the microprocessor identity device by encrypting the digital identity data using the microprocessor identity information”</p> <p><u>Structure</u>: microprocessor, e.g., Fig. 4, Fig. 6 (405, 605); no algorithm disclosed; indefinite.</p> <p>Alternatively, to the extent §112, ¶ 6 does not apply: indefinite.</p>

Claim Term	Plaintiff's Construction	Defendants' Construction
<p>“the digital identity data is bound to the microprocessor by encrypting, using the microprocessor, the digital identity data using an algorithm that uses the microprocessor identity information”</p> <p>(’948 patent, claim 1)</p>	<p>This phrase is not subject to either paragraph 2 or 6 of 35 U.S.C. § 112.</p> <p>Plain and ordinary meaning.</p>	<p>§ 112, ¶ 6 applies.</p> <p><u>Function</u>: “binding the digital identity data to the microprocessor by encrypting the digital identity data using the microprocessor identity information”</p> <p><u>Structure</u>: microprocessor, e.g., Fig. 4, Fig. 6 (405, 605); no algorithm disclosed; indefinite.</p> <p>Alternatively, to the extent § 112, ¶ 6 does not apply: indefinite.</p>

**B. Terms That Recite A “Microprocessor Identity.”**

Claim Term	Plaintiff's Construction	Defendants' Construction
<p>“microprocessor identity that uniquely identifies the microprocessor”</p> <p>(’497 patent, claim 1)</p>	<p>Plain and ordinary meaning.</p>	<p>“identifier that uniquely identifies the microprocessor and that does not change once assigned”</p>
<p>“microprocessor identity information uniquely identifies the microprocessor”</p> <p>(’948 patent, claim 1)</p>	<p>Plain and ordinary meaning.</p>	<p>“identifier that uniquely identifies the microprocessor and that does not change once assigned”</p>
<p>“microprocessor identity information that uniquely identifies the microprocessor identity device”</p> <p>(’008 patent, claim 1; ’895 patent, claim 5)</p>	<p>Plain and ordinary meaning.</p>	<p>“identifier that uniquely identifies the microprocessor identity device and that does not change once assigned”</p>

**DESMARAIS LLP**

*//s/ J. Stephen Ravel*

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